



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1532

county transportation planning assistant
(NOW: impeding school operations; civil liability)

As passed by the Senate, S.B. 1532 required the Maricopa County Board of Supervisors to appoint a transportation planning assistant to streamline bus service in Maricopa County.

The House of Representatives adopted a strike-everything amendment that does the following:

Purpose

Permits the Attorney General (AG) to bring an action to recover public monies utilized for any activity that prevents the operation of a public school, with outlined exemptions. Restricts a school district, charter school or state agency from requiring discussion about controversial issues that are not essential to the course learning objectives. Directs controversial issues to be presented from diverse and contending perspectives, outlines prohibited concepts and establishes violation procedures.

Background

The AG has the discretion to bring an action to enjoin the illegal payment of public monies and recover illegally paid public monies plus 20 percent of that amount with interest, costs and reasonable attorney fees, to be paid to the State Treasurer or a political subdivision. The AG can bring an action to recover illegally paid public monies against: 1) an individual who received the illegal payment; 2) the public body or public officer who ordered or supervised the illegal payment; or 3) the public official, employee or agent who ordered the illegal payment ([A.R.S. § 35-212](#)).

Public monies include all monies in the lawful possession, custody or control of budget units, state agencies, boards, commissions or departments, or a state officer, employee or agent in an official capacity. This includes all monies coming into a tax-supported political subdivision or an officer, employee or agent of a tax-supported political subdivision in an official capacity ([A.R.S. § 35-212](#)).

A school district governing board prescribes curricula that include academic standards for the graduation of students from high school. Governing boards must also prescribe criteria that include academic standards in at least reading, writing, mathematics, science and social studies, as determined by district assessment. Other criteria may include additional measures of academic achievement and attendance ([A.R.S. § 15-701.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Authorization of legal action

1. Authorizes the AG to bring an action to recover illegally paid public monies against:
 - a) a public official, employee or agent of Arizona, a political subdivision or a budget unit that knowingly uses public monies or public resources to plan or execute any activity preventing a public school from operating for any period of time, with specified exemptions; or
 - b) a teacher, administrator, other school district or charter school employee or state employee whose violation of the prohibition on controversial issues resulted in an illegal use of public monies.

2. Exempts a public official, employee or agent who is acting in good faith and in furtherance of their official duties from AG action.
3. Specifies public resources include email, equipment or compensated work time.

Discussion of public policy and social affairs

4. Prohibits a school district, charter school or state agency from requiring a teacher, employee or visitor to discuss controversial issues about public policy or social affairs that are not essential to the course learning objectives.
5. Deems accurate portrayals of historical events, lessons on recognizing and reporting abuse and sex education are not controversial issues.
6. Directs a teacher, who chooses to discuss controversial issues of public policy or social affairs, to present these issues from diverse and contending perspectives without giving deference to any one perspective, to the best of the teacher's ability.
7. Prohibits a school district, charter school or state agency from permitting a teacher or employee to require student work or service-learning involving student engagement in lobbying for legislation at the local, state or federal level or in public policy advocacy, with specified exemptions.
8. Exempts extra credit work or academic credit for an internship or work experience from the prescribed prohibition.
9. Specifies the public policy issue chosen by the student has no influence on any credit awarded.

Instructional training and course concepts

10. Restricts a school district, charter school or state agency from requiring a teacher, administrator or other employee to engage in training, orientation or therapy presenting any form of blame or judgement based on race, ethnicity or sex, with the exemption of sexual harassment training.
11. Prohibits a teacher, administrator or other employee from requiring instruction in or making the following concepts a part of a course:
 - a) one race, ethnic group or sex is inherently morally or intellectually superior to another race, ethnic group or sex;
 - b) an individual, by virtue of their race, ethnicity or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously;
 - c) an individual should be invidiously discriminated against or receive adverse treatment because of their race, ethnicity or sex;
 - d) an individual's moral character is determined by their race, ethnicity or sex;
 - e) an individual bears responsibility for actions by other members of the same race, ethnic group or sex;
 - f) an individual should feel discomfort, guilt, anguish or any other psychological distress because of their race, ethnicity or sex; and
 - g) academic achievement, meritocracy or traits, including a hard work ethic, are racist, sexist or were created by members of a particular race, ethnic group or sex to oppress members of another race, ethnic group or sex.

Legal actions and violations

12. Allows an attorney, acting on behalf of a public school, to request a legal opinion from the county attorney or the AG whether a proposed use of school district resources would violate the prohibition on controversial issues or misuse of public monies.
13. Allows the county attorney or the AG to initiate a suit in the superior court in the county where the alleged violation occurs.
14. Allows a court to impose a civil penalty for each violation, limited to \$5,000 per person plus any amount of misused monies from the school district, charter school or state agency budget, against a person who knowingly violates or aids another person in a violation.
15. Specifies the following relating to civil penalties:
 - a) a person determined to be out of compliance is responsible for paying all civil penalties and misused monies; and
 - b) any person responsible for adopting curriculum in violation of the prohibition is responsible for paying all civil penalties and misused monies.
16. Prohibits school district monies or insurance payments from being used to pay civil penalties or misused monies.
17. Requires all civil penalties collected by the court to be:
 - a) paid to the AG office for reimbursing prosecution costs, for a suit initiated by the AG; or
 - b) paid to the county treasurer for reimbursing prosecution costs, for a suit initiated by a county attorney.
18. Requires all misused monies to be returned to the school district or charter school whose monies were misused.

Miscellaneous

19. Makes technical changes.
20. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

1. Adopted the strike-everything amendment relating to impeding school operations and civil liability.
2. Allows the AG to bring an action to recover illegally paid public monies against a teacher, administrator or other employee, or a state employee whose violation of the prohibition on controversial issues resulted in an illegal use of public monies.
3. Prohibits a school district, charter school or state agency from requiring a teacher, employee or visitor to discuss controversial issues that are not essential to the course learning objectives, with outlined exemptions.

4. Requires a teacher, who chooses to discuss controversial issues of public policy or social affairs, to present these issues from diverse and contending perspectives without giving deference to any one perspective.
5. Prohibits a teacher or employee from requiring student work or service-learning involving student engagement in lobbying for legislation or in public policy advocacy, with outlined exemptions.
6. Restricts a school district, charter school or state agency from requiring a teacher, administrator or other employee to engage in training, orientation or therapy presenting blame or judgement based on race, ethnicity or sex.
7. Limits a teacher, administrator or other employee from requiring instruction based upon outlined concepts.
8. Allows an attorney, acting on behalf of a public school, to request a legal opinion from the county attorney or the AG to determine whether a proposed use of resources would violate the prohibition on controversial issues or be a misuse of public monies.
9. Permits the county attorney or the AG to initiate a suit in the superior court in the county in which an alleged violation occurs.
10. Allows the court to impose a civil penalty for each violation limited to \$5,000 per person plus any amount of misused monies against any person who knowingly violates or aids in the violation as outlined.
11. Specifies payment responsibilities and eligible funding sources relating to civil penalties.
12. Provides reimbursement procedures for suits initiated by the AG or a county attorney.

House Action

TRANS	3/24/21	DPA/SE	7-4-1-0
3 rd Read	5/5/21		31-29-0

Prepared by Senate Research

May 5, 2021

JO/gs